

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
AUGUST 13, 2001  
HUGHES AUDITORIUM  
6:30 P.M.

**CLOSED SESSION**

At 5:00 p.m., the regular meeting of the Malibu City Council convened. City Attorney Hogin announced that the purpose of the Closed Session was to discuss matters listed on the posted agenda pursuant to Government Code Sections 54956.9 (a) and 54956.8. The City Council recessed to a closed session.

**CALL TO ORDER**

Mayor House reconvened the meeting at 6:37 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Joan House, Mayor Pro Tem Jeffrey Jennings, Councilmembers Thomas Hasse and Ken Kearsley.

ABSENT: Councilmember Sharon Barovsky

ALSO PRESENT: Katie Lichtig, Acting City Manager; Christi Hogin, City Attorney; Barry Hogan, Planning Director; Chuck Bergson, Public Works Director; Rick Morgan, City Engineer; Paul Adams, Parks and Recreation Director; Julia James, Administrative Services Director; Vic Peterson, Building Official; Lt. Bradstock; and Lisa Pope, City Clerk

**FLAG SALUTE**

Acting City Manager Lichtig led the Pledge of Allegiance.

**CLOSED SESSION REPORT**

City Attorney Hogin announced that the Council met in Closed Session at 5:00 p.m. for the purpose of discussing matters listed on the posted closed session agenda as follows:

**Existing litigation per Government Code Section 54956.9 (a):**

1. Gibbs v. City of Malibu  
Los Angeles County Superior Court Case No. BS0593621
2. Lavine v. City of Malibu  
Los Angeles County Superior Court Case No. SS 008071

3. Rubens v. City of Malibu  
Los Angeles County Superior Court Case No. SC060331
4. Malibu Township Council v. City of Malibu, et al.  
Los Angeles County Superior Court Case No. SC067214
- 4.b. Silver v. City of Malibu  
Los Angeles County Superior Court Case No. BC255025

**Real Estate negotiation matters pursuant to Government Code Section 54956.8:**

5. Property: Tract No. 46964 (5 lots)  
City Negotiator: City Attorney  
Property Negotiator: D.L. Malibu, Inc.
6. Property located at: 24200 Pacific Coast Highway  
City Negotiator: Council Ad Hoc Committee  
Property Negotiator: Crummer Foundation and Trust
7. Property located at: 3700 La Paz Lane  
City Negotiator: Council Ad Hoc Committee  
Property Negotiator: Malibu La Paz Ranch
8. Property located at: 3705 Cross Creek  
City Negotiator: Council Ad Hoc Committee  
Property Negotiator: Shultz Jack & Pearl Family LTD Partnership
9. Property located at: Civic Center Way lot APN#4458-022-019  
City Negotiator: Council Ad Hoc Committee  
Property Negotiator: Malibu Residential Housing & H Group
10. Property located at: 23801 Stuart Ranch Road  
City Negotiator: Council Ad Hoc Committee  
Property Negotiator: Yamaguchi Tokiye Trust
11. Property located at: 3542 Coast View Drive  
City Negotiator: Council Ad Hoc Committee  
Property Negotiator: Wave Property Inc.

12. Property located at: 23833 Stuart Ranch Road  
City Negotiator: Council Ad Hoc Committee  
Property Negotiator: Yamaguchi Tokiye Trust
13. Property located at: 23401 Civic Center Way  
City Negotiator: Council Ad Hoc Committee  
Property Negotiator: Shultz Jack & Pearl Family LTD Partnership

City Attorney Hogin announced that Council met in closed session at 5 p.m. and discussed all items on the closed session agenda and took no reportable action except in the matter of Lavine v. City of Malibu for which the Council agreed tentatively to enter into a settlement agreement.

## **APPROVAL OF AGENDA**

**MOTION** Councilmember Kearsley moved and Councilmember Hasse seconded a motion to approve the agenda with Item 4.C. continued. The motion carried 4-0, Councilmember Barovsky absent.

## **REPORT ON POSTING OF AGENDA**

City Clerk Pope reported that the agenda for the meeting was posted on August 3, 2001 with the second amended agenda posted pursuant to the Brown Act.

## **ITEM 1 CEREMONIAL/PRESENTATIONS**

### **A. Presentation by Doug O'Brien on ballfield design**

Doug O'Brien presented a diagram of the property proposed in the Malibu Bay Company development agreement and potential ballfield designs.

Councilmember Kearsley asked how much grading would be required. Mr. O'Brien indicated approximately 2,000 yards of dirt.

### **B. Swearing in of Malibu Trails Master Plan Committee Member**

City Clerk Pope swore in Don Schmitz to the Malibu Trails Master Plan Committee. Mr. Schmitz expressed his commitment to creating a trails plan for Malibu.

C. Presentation of Malibu Tile to Marti Witter for her service as City Biologist

Mayor House presented a Malibu tile plaque to City Biologist Marti Witter. Ms. Witter thanked the Council for allowing her to serve as City Biologist.

B. Report on Clean Beach Initiatives \$2 million Grant for Stormwater Runoff Treatment Facilities

City Engineer Morgan reported on the Clean Beach Initiatives Grant for Stormwater Runoff Treatment Facilities.

**ITEM 2**

**A. PUBLIC COMMENTS**

Mark Olson, Southern California Energy, reported on energy conservation.

Douglas O'Brien read a letter from Tom Fakehany regarding Councilmember Kearsley's statements about the Lily's Café Steering Committee.

**B. COUNCIL COMMENTS**

Councilmember Hasse congratulated the Chamber of Commerce on the Arts Festival. He discussed the LA County Assessor's report and Malibu's assessed value.

Mayor Pro Tem Jennings congratulated the Chamber of Commerce on the Malibu Arts Festival. He congratulated staff on receiving the \$2 million grant for stormwater runoff treatment facilities. He reported on the Administration and Finance Subcommittee meeting of August 13, 2001 at which the subcommittee received a report on the Sheriff's Department budget. He stated he and the Mayor met with members of the Lily's Café Steering Committee regarding the bond measure.

Councilmember Kearsley responded to Mr. Fakehany's letter. He apologized for offending anyone by his comments. He announced that the Chumash Maritime Association would be in Malibu on August 22, 2001. He congratulated City Engineer Morgan and Grant Consultant Cameron for obtaining the grant to help clean up the Lagoon.

Mayor House reported that she and Acting City Manager Lichtig attended the Marine life protection meeting. She and City Manager Lichtig met with Papa Jack regarding the Skate Park and he mentioned that he was interested in improving the safety standards along Cross Creek and Civic Center Way. She requested the information on pier restoration be

included on the City's website. She read a letter from Supervisor Yaroslavsky indicating the County would contribute \$100,000 to complete repairs to Coral Canyon Road. She reported on the possibility of Council tours of Promise's facility.

**CONSENSUS**

By consensus, the Council determined to have the ad hoc committee of Mayor House and Councilmember Barovsky continue to discuss the matter of the Promise's facilities.

Mayor House read a letter regarding low flying banner planes along the Coast.

**CONSENSUS**

By consensus, the Council referred the matter to staff to write a letter regarding the planes.

**ITEM 3      CONSENT CALENDAR**

Councilmember Kearsley pulled Item 3.B.7.

**MOTION**      Councilmember Hasse moved and Councilmember Kearsley seconded a motion to approve the Consent Calendar with the exception of Item 3.B.7.

The Consent Calendar consisted of the following items:

A.    Previously Discussed Items

1.    Second Reading and Adoption of Ordinance No. 227, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MALIBU AMENDING MUNICIPAL CODE ARTICLE III, CHAPTER EIGHT, SECTION 3.8.06, APPOINTING THE PUBLIC WORKS DIRECTOR AS THE FLOODPLAIN ADMINISTRATOR

Staff recommendation: Conduct the second reading and adopt Ordinance No. 227.

B.    New Items

1.    Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

2.    Approve warrants

Staff recommendation: To allow and approve warrant demand numbers 17047 through 17161 listed on the attached register from the General Fund

and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 239 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks, in a total amount of \$792,687.28.

3. Re-affirm the State of Local Emergency Declared by the Director of Emergency Services on March 9, 2001 relating to the Landslide Road Failure at Corral Canyon

Staff recommendation: Re-affirm the State of Local Emergency by minute order.

4. Approval of Minutes

Staff recommendation: Approve City Council meeting minutes of April 25, 2001.

5. Pavement Management System Professional Services Agreement

Staff recommendation: Award a contract to Nichols Consulting Engineers, Chtd. of Huntington Beach, California in the amount not to exceed \$31,138 (base contract of \$29,655 plus a 5% contingency) for installing, updating, training staff and operating the City's Pavement Management System.

6. Renewal of Corridor Staffing Cost Sharing Agreement

Staff recommendation: Approve the agreement and authorize the City Manager and City Attorney to execute the agreement on behalf of the City.

7. Request of Malibu Optimist Club for City Council Concurrence to Paint the Point Dume Nature Shuttle

Staff recommendation: Consider a request from the Malibu Optimist Club to have the Point Dume Nature Shuttle Bus painted by the Malibu High School art classes.

8. Approval for Las Flores Park Advisory Committee to organize and implement fundraising activities in support of the current park development project.

Staff recommendation: Authorize members of the Las Flores Park Advisory Committee and City staff to organize and implement fundraising efforts to provide funding for the proposed Las Flores Park project currently under design.

9. Completion of Pacific Coast Highway Underground Utility District No. 1

Staff recommendation: Authorize the Acting City Manager to instruct Southern California Edison (SCE), Verizon Telephone Company, and Charter Communications TV Cable to construct underground utility service connections for property owners in order to complete the work for the Pacific Coast Highway Underground Utility District No. 1.

10. Request for Proposal (RFP) for City Biologist  
Staff recommendation: Approve the Request for Proposal for biology review services and direct staff to send the RFP to qualified firms or individuals.
11. Adopt Resolution No. 01-44, amending Resolution No. 99-04 by eliminating all references to cost of living adjustments in the employee evaluation system.  
Staff recommendation: Adopt Resolution No. 01-44, amending Resolution No. 99-04 by deleting references to the Cost of Living Adjustment from the employee performance appraisal process.
12. Update on California Coastal Commission's Response to City's Submission of the Local Coastal Program  
Staff recommendation: Receive and file report.

ITEM 3.B.7. Request of Malibu Optimist Club for City Council Concurrence to Paint the Point Dume Nature Shuttle

Staff recommendation: Consider a request from the Malibu Optimist Club to have the Point Dume Nature Shuttle Bus painted by the Malibu High School art classes.

Councilmember Kearsley asked if it would be necessary to repaint the bus when the City lease expired. Public Works Director Bergson stated the City's position was to grant permission and the Optimist Club would need to address whether they would return the bus back to the original condition. Councilmember Kearsley requested the City's approval be conditioned upon Optimist's determining to repaint the bus.

Mayor Pro Tem Jennings asked if the bus was leased. Public Works Director Bergson explained that the City had a contract for service with the bus company.

Public Works Director Bergson explained the City's agreement with the Coastal Commission to review shuttle use and service. He explained that the City was recommending the service change to weekends and holidays at the end of summer. He suggested the Council consider service levels prior to approving painting of the bus.

Mayor House requested the letter from the bus company indicate that the City has no responsibility for any damage done to the bus.

Mayor Pro Tem Jennings suggested informing the students that the vehicle may not continue on the shuttle run.

Mayor House suggested continuing the item until Coastal Commission determined service levels.

MOTION Mayor House moved and Mayor Pro Tem Jennings seconded a motion to continue the item to September 10, 2001. The motion carried 4-0, Councilmember Barovsky absent.

#### **ITEM 4 ORDINANCES AND PUBLIC HEARINGS**

- A. 2001 Congestion Management Program - Compliance with the Congestion Management Program and the adoption of the 2001 Local Implementation Report.

Staff recommendation: Adopt Resolution No. 01-43, finding the City in conformance with the Congestion Management Program.

Planning Director Hogan presented the staff report.

Councilmember Hasse requested clarification on the figures indicated in the report. Planning Director Hogan explained the new development activity and credits generated.

MOTION Councilmember Kearsley moved and Councilmember Hasse seconded a motion to adopt Resolution No. 01-43, finding the City in conformance with the Congestion Management Program. The question was called and the motion carried 4-0, Councilmember Barovsky absent.

- B. Assessment District 98-1 (Big Rock Mesa) - Continuation of Public Hearing from July 23, 2001

Staff recommendation: Adopt Resolution No. 01-39 ordering collection of Contingent Assessment No. 031 and correction of amounts collected in 1999-2000 for Contingent Assessment Nos. 181 and 198, allowing a five-year payoff plan without interest; and a refund of "over-payment" for Contingent Assessment No. 256.

City Engineer Morgan presented the staff report.

Councilmember Hasse asked how long the loan could be repaid. Acting City Manager Lichtig stated it was a policy decision of the Council. Councilmember Hasse suggested the term be extended longer than 5 years.



MOTION Mayor Pro Tem Jennings moved and Mayor House seconded a motion to adopt Resolution No. 01-39 ordering collection of Contingent Assessment No. 031 and correction of amounts collected in 1999-2000 for Contingent Assessment Nos. 181 and 198, allowing a seven-year payoff plan without interest; and a refund of “over-payment” for Contingent Assessment No. 256. The question was called and the motion carried 4-0, Councilmember Barovsky absent.

- C. Resolutions for Appeal No. 01-002 - An application to construct a new single-family residence located at 32804 Pacific Coast Highway (Kempin)  
Staff recommendation: Adopt Resolution Nos. 01-15 (A-F), which reflect City Council actions from July 23, 2001.

This item was continued upon approval of the Agenda.

## ITEM 5 OLD BUSINESS

- A. Report on Priorities and Recommended Timeline for Implementation of the City of Malibu, Parks & Recreation Master Plan

Staff recommendation: The Parks & Recreation Commission recommends that the City Council the attached report on Master Plan Priorities and approve the eight recommended action steps.

Parks and Recreation Director Adams presented the staff report.

Councilmember Hasse asked if the Parks and Recreation Subcommittee had reviewed the plan. Councilmember Kearsley indicated no.

Mayor House suggested the Council adopt a resolution indicating the City’s position on recreation objectives. The Council concurred.

Councilmember Kearsley suggested changing No. 4 from “common cause” to “shared use.”

MOTION Councilmember Kearsley moved and Mayor Pro Tem Jennings seconded a motion to approve the 8 steps as amended. The motion carried 4-0, Councilmember Barovsky absent.

B. Proposed Criteria regarding Residential Drug Rehabilitation Facilities (Group Homes)

Staff recommendation: Direct staff to prepare a letter for the Mayor's signature forwarding the suggested criteria to State legislators.

Planning Director Hogan presented the staff report.

Debra Barlow was not present at the time of the hearing.

Mayor Pro Tem Jennings stated Big Rock residents had requested alternative methods. He asked the City Attorney's opinion on the matter. City Attorney Hogin stated she would provide the Council with a memorandum and that she felt the best option was through legislation.

Mayor Pro Tem Jennings asked if the City had a permit process in place for septic systems. Planning Director Hogan indicated no. Mayor Pro Tem Jennings suggested the criteria be adjusted to reflect the City's current practices.

Mayor House suggested draft language be provided to legislators to initiate discussions. Mayor Pro Tem Jennings stated he would withdraw his objection.

In response to Councilmember Hasse, Planning Director Hogan explained the calculation to determine necessity. Councilmember Hasse suggested one facility per each 6,000 persons.

MOTION Councilmember Hasse moved and Councilmember Kearsley seconded a motion to direct staff to prepare a letter as amended. The motion carried 4-0, Councilmember Barovsky absent.

**ITEM 6 NEW BUSINESS**

A. Malibu Road Parking

Staff recommendation: Approve the placement of parking regulations prohibiting parking from 2 a.m. to 5 a.m. daily on Malibu Road and direct Staff to prepare ordinances establishing permit parking for Malibu Road and establishing the prohibition of sleeping and camping in vehicles on public streets City-wide.

Public Works Director Bergson presented the staff report.

Tom Sawyer concurred with the staff recommendation to restrict parking from 2-5 a.m. and establish permit parking.

Ci Lansey concurred with Mr. Sawyer. He expressed concern about further delay of parking restrictions.

Joan Lavine expressed opposition to parking restrictions on Malibu Road. She stated access to properties would be restricted and permit parking would be a hassle. She recommended only preventing people from spending the night in recreational vehicles.

Mayor House read the comments of Ted Ravinett in opposition to permit parking.

Ryan Embree reviewed parking restrictions in surrounding cities. He suggested height and time restrictions be utilized rather than requiring permit parking. He recommended restricting oversized vehicles.

Dick Robertson discussed problems with recreational vehicle parking on Malibu Road. He expressed concern about security and trash created by overnight parking. He stated people were also sleeping in cars.

Carol Randall, Public Safety Commission, discussed the Commission's recommendation. She stated permit parking was a temporary solution until a City-wide ordinance could be implemented.

Lupe Lerner stated there were people sleeping cars in addition to recreational vehicles. She stated the problem was along all of Malibu Road.

Renny Shapiro indicated support for the staff recommendation. She stated permit parking could easily be worked out with very little cost to the City. She volunteered her time to create and implement the program. She urged the Council to approve the staff recommendation.

Councilmember Kearsley asked what Coastal Commission issues there would be. Public Works Director Bergson stated there were no issues with the Coastal Commission.

Mayor House asked if permit parking would be an “administrative nightmare.” Acting City Manager Lichtig stated the permit process would be made as unburdensome as possible but needed to be enforceable.

Councilmember Kearsley asked the cost for implementation. Public Works Director Bergson stated it was approximated at \$20-40 per 2 year permit. Acting City Manager Lichtig stated the details would need to be worked out and specific figures would be provided.

Mayor Pro Tem Jennings discussed the vote on moving parking off Civic Center Way and his opposition because parking would move to another part of town. He expressed concern with prohibiting overnight parking and sleeping vehicles with the proposed exceptions. He suggested eliminating or prohibiting overnight sleeping on public streets without exceptions. He stated parking restrictions on Civic Center Way might need to be changed.

Mayor House asked if there was a possibility of including Citywide permit parking. Public Works Director Bergson stated it could be done. City Attorney Hogin stated the Council could not take that action tonight. Acting City Manager Lichtig stated the Council needed to consider the infrastructure necessary for Citywide permit parking. Mayor House stated overnight parking on Malibu Road was a problem. She stated she would support the staff recommendation.

Councilmember Kearsley stated he would support the staff recommendation. He explained why he supported parking restrictions on Civic Center Way.

Councilmember Hasse stated he did not want to see the City advance to permit parking. He stated the recommendation was to establish temporary permit parking on Malibu Road and to establish prohibition of sleeping and camping in vehicles on public streets City-wide. He indicated support for the staff recommendation.

**MOTION** Councilmember Hasse moved and Councilmember Kearsley seconded a motion to approve the placement of parking regulations prohibiting parking from 2 a.m. to 5 a.m. daily on Malibu Road and direct Staff to prepare ordinances establishing permit parking for Malibu Road and establishing the prohibition of sleeping and camping in vehicles on public streets City-wide. The motion was withdrawn.

MOTION Councilmember Hasse moved and Councilmember Kearsley seconded a motion to establish a prohibition of sleeping and camping in vehicles citywide. The question was called and the motion carried 4-0, Councilmember Barovsky absent.

MOTION Councilmember Hasse moved and Mayor House seconded a motion to approve parking regulations prohibiting parking from 2 to 5 a.m. The question was called and the motion carried 4-0, Councilmember Barovsky absent.

MOTION Councilmember Hasse moved and Mayor House seconded a motion to establish ordinances establishing permit parking for Malibu Road and establishing the prohibition of sleeping and camping in vehicles on public streets City-wide. The question was called and the motion carried 3-1, Mayor Pro Tem Jennings dissenting and Councilmember Barovsky absent.

B. Preliminary Year-End Financial Report and recommended Budget Appropriations and Fund Transfers

Staff recommendation: Approve recommended budget appropriations and fund transfers for Fiscal Year ended June 30, 2001.

Administrative Services Director James presented the staff report.

MOTION Councilmember Kearsley moved and Councilmember Hasse seconded a motion to approve recommended budget appropriations and fund transfers for Fiscal Year ended June 30, 2001. The motion carried 4-0, Councilmember Barovsky absent.

**ITEM 7 COUNCIL ITEMS**

A. Consideration of Presentation of Malibu Tile to Legrand Lewis Jordan in recognition of his 100<sup>th</sup> Birthday

Recommendation: Determine whether to present a Malibu Tile to Legrand Lewis Jordan in recognition of his 100<sup>th</sup> Birthday.

MOTION Councilmember Kearsley moved and Councilmember Hasse seconded a motion to approve presenting a Malibu tile to Legrand Lewis Jordan. The motion carried 4-0, Councilmember Barovsky absent.

A. Interim Appointment by Councilmember Hasse to the Malibu Trails Master Plan Advisory Committee

Recommendation: Councilmember Hasse to make an interim appointment to the Trails Master Plan Advisory Committee.

Councilmember Hasse appointed Sherman Baylan

- B. Consideration of amending Filming Procedures to Prohibit Filming on Sundays  
Recommendation: Direct staff as deemed necessary.

Project Manager Collins presented the staff report.

Kayla Thames, California Film Commission, requested no action be taken. She stated it would be a hardship to the industry to ban filming on Sundays.

James Fitzpatrick indicated he was available to respond to questions. He requested no action be taken at this time.

Steve Dayan requested problems be reviewed on a case by case basis. He stated Sunday prohibition was too broad.

Steve Kaplan stated he was available to respond to questions and offered his assistance.

Mayor House suggested gathering signatures from neighbors concerned about filming. Ms. Thames stated it was a reasonable request to require signatures of neighbors.

Mayor House suggested directing staff to come back with guidelines for filming on Sundays or after hours.

Councilmember Hasse suggested staff meet with the Film Commission to work on a solution.

Mayor Pro Tem Jennings asked how many complaints had been received on Sunday filming. Project Manager Collins stated a complaint was received twice from same person. Mayor Pro Tem Jennings stated the ordinance seemed to be adequately restrictive. He stated he was tempted to leave it as is unless a significant outcry occurred.

Councilmember Hasse suggested the resident complaining meet with staff and then staff proceed accordingly.

## CONSENSUS

By consensus, the Council determined that the Mayor and Mayor Pro Tem should meet with the concerned resident to work towards a solution.

D. Possible Postponement of Bond Ballot Measure from November 2001 Special Election until April 2002 General Municipal Election (Councilmember Hasse)

Councilmember Hasse presented the report. He corrected information presented by the Bond Steering Committee political consultant. He urged the Council to defer the bond measure.

Lloyd Ahern stated a special election in November for the bond measure was necessary. He discussed their successful fundraising efforts. He urged the Council to continue with the bond measure on the November ballot.

Laureen Sills discussed the proposed bond language. She urged the Council to not change the election date. She suggested forming a bond advisory committee/commission to oversee the spending of the bond.

Anne Hoffman urged the Council to not postpone the bond and continue with its forward momentum. She discussed the progress of the committee. She suggested appointing a citizens advisory commission once the bond was passed to oversee spending of the bond funds.

Andy Stern stated he was stunned to hear the item was on the agenda. He stated the campaign was underway and the decision was already made. He urged the Council to proceed with the election.

Laura Rosenthal requested the Council not delay the bond. She discussed the need for amenities in Malibu. She stated concerns about the bond could be addressed. She suggested possible scenarios of land purchase be presented to voters.

Steve Uhring echoed the comments of the other members of the bond coalition. He stated now was the time to vote on the bond measure. He urged the Council to proceed with the bond measure in November.

Deirdre Roney discussed the operations of the steering committee and invited new members to join. She stated all steering committee members agreed that postponing the bond measure would be a mistake. She requested the Council not postpone the bond.

Douglas O'Brien read a letter from Tom Fakehany urging postponement of the bond measure.

John Harlow suggested the bond measure be delayed to inform the citizenry of what would be done with the money.

Councilmember Kearsley asked if the City Manager had been involved in bond measures. Acting City Manager Lichtig stated there had been bond issues but she was not directly involved. Councilmember Kearsley asked how long it would take to receive bond funds. Acting City Manager Lichtig stated money could be received with 3-4 months. Councilmember Kearsley stated the money could be spent by 2004. He stated he respected Mr. Harlow and Mr. O'Brien. He discussed the need for Malibu residents to come together and agree. He stated his first priority was to provide playing and recreational areas. He stated he would not support postponing the bond until April 2002.

Mayor House asked if Mr. Nichol's was present. The Steering committee responded that he was not.

Mayor Pro Tem Jennings stated he did not believe the objections could be overcome. He discussed the priorities of the Council in regard to recreation and open space. He stated the current Council would decide how the money ought to be spent. He urged the community to support the bond measure. He stated he would not support the motion to postpone the bond.

Mr. Harlow stated he was disappointed because they had been promised that the projects would be ranked. He stated they had indicated the language was poorly written. He stated the language does not allow the Malibu voters to have an informed vote. He recommended the bond be delayed to April.

Councilmember Hasse expressed concern about the fate of the bond. He stated he had predicted past election results and therefore brought the matter before the Council.



Mayor House stated it was necessary to determine what was best for the community and what would enhance the quality of life.

**MOTION** Councilmember Hasse moved to postpone the bond measure until April 2002. The motion died due to lack of a second.

E. Bond Measure Letter Designation

Councilmember Kearsley requested letters L, A, or K. The Council concurred.

F. Consider and Approve a Ballot Argument in Favor of Bond Measure Submitted to Voters at the Consolidated Election to be Held November 6, 2001

Mayor House suggested assigning two Councilmembers to complete the argument. She volunteered. Councilmember Kearsley volunteered.

The Council concurred to have Mayor House and Councilmember Kearsley complete the argument in favor of the bond measure.

By acclamation, the Council directed that the draft ballot argument be revised by Councilmember Kearsley and Mayor House and that they submit the argument to the City Clerk prior to the deadline.

**ADJOURN** At 9:32 p.m., Councilmember Kearsley moved and Mayor Pro Tem Jennings seconded a motion to adjourn. The motion carried 4-0, Councilmember Barovsky absent.

Approved and adopted by the City Council of the City of Malibu on  
September 10, 2001.

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JOAN HOUSE, Mayor

ATTEST:

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LISA POPE, City Clerk

(seal)